
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Lynn D. Clark)	File No. EB-FIELDWR-12-00001386
Antenna Structure Registrant)	
ASR # 1007398)	NOV No. V201232800023
Limon, CO)	
)	

NOTICE OF VIOLATION

Released: April 4, 2012

By the District Director, Denver District Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's Rules,¹ to Lynn D. Clark, registrant of antenna structure # 1007398 in Limon, CO.

2. On December 16, 2011, and again on February 27, 2012, an agent of the Enforcement Bureau's Denver District Office inspected antenna structure # 1007398 located at 23227 CR 3W5, by Limon, CO, and observed the following violations:

- a. 47 C.F.R. § 17.4(g): "Except as described in paragraph (h) of this section, the Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Antenna Structure Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure." At the time of the inspection, the agent observed that the Antenna Structure Registration Number was not legible.
- b. 47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of 'no hazard...'" Antenna structure #1007398 is required to be painted and lit in accordance with FAA Chapters 4, 8 and 13 of FAA Circular Number 70/7460-1H. These specifications require the utilization of a white flashing light during the daytime and twilight, with a red flashing beacon and red side lights installed at the mid-level height of the structure flashing at night. During the inspections of December 16, 2011, and February 27, 2012, the agent observed red side lights installed approximately at the 1/3 and 2/3 level of the structure. Additionally, during the inspection on February 27, 2012, the agent observed that the flashing white strobe was on at nighttime, and neither the red beacon nor the red side lights were observed in use.

¹ 47 C.F.R. § 1.89.

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- c. 47 C.F.R. § 17.57: “The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 24 hours of completion of construction (FCC Form 854–R) and/or dismantlement (FCC Form 854). The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information.” On December 22, 2011, and March 6, 2012, the agent attempted to place a call to the current phone number provided by the owner on the ASR. On both occasions, the number was found disconnected.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission’s Rules, Lynn D. Clark must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by Lynn D. Clark. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Denver District Office
215 S. Wadsworth Blvd., Suite 303
Lakewood, CO 80226

4. This Notice shall be sent to Lynn D. Clark at her address of record.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Nikki P. Shears
District Director
Denver District Office
Western Region
Enforcement Bureau

² 47 U.S.C. § 403.

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*